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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

Estate of DONALD M.
BEACH, Deceased.

B288379

(Los Angeles County
Super. Ct. No. BP143125)

ELIZABETH HAVERT et al.,

Petitioners and
Appellants,

v.

BRUCE BEACH,

Objector and Appellant.

APPEAL from judgment of the Superior Court of Los
Angeles County, Mary Thornton House, Judge (Ret.).
Dismissed.

Sullivan Law, Shaunna Sullivan, for Petitioners and Appellants.

Lurie, Zepeda, Schmalz, Hogan & Martin, Steven L. Hogan and Lawrence J. Imel; Law Offices of David C. Hinshaw and David C. Hinshaw, for Objector and Respondent.

Petitioners and appellants Ann Marie Beach Tabb and Elizabeth Havert appeal from an order entered December 20, 2017, in favor of respondent Bruce Beach, in his capacity as executor of the estate of Donald M. Beach, terminating the probate proceedings.¹ The appeal must be dismissed because the issues are moot. In *Havert v. Beach* (Dec. 27, 2018, B285862 [nonpub. opn.] (*Havert I*)), Havert and Tabb filed a premature notice of appeal, which we deemed to have been filed immediately following entry of the December 20, 2017 order.

The present appeal is also untimely. A party generally has 180 days to file an appeal after a judgment is entered, unless the time is shortened by certain actions. (Cal. Rules of Court, rule 8.10(a)(1)(C).) If a party serves a notice of entry of the judgment, the time for that party to file an appeal is shortened to 60 days. (*Id.*, rule 8.10(a)(1)(B).) “The time to file a notice of appeal is not reset or extended by a

¹ Because more than one individual in this matter shares the last name Beach, we will refer to them by their first names for ease of reference.

second or subsequent notice of entry of the same judgment. [Citations.]” (*InSyst, Ltd. V. Applied Materials, Inc.* (2009) 170 Cal.App.4th 1129, 1135.) In this case, the probate court entered its written order on December 20, 2017. Havert and Tabb served notice of entry of the order on December 22, 2017, with the signed order attached. After receiving a copy of the minute order ordering Havert and Tabb to give notice of the probate court’s order, Havert and Tabb served a second notice of entry of the December 20, 2017 order on December 28, 2017. They attached the minute order and the December 20, 2017 order. On February 23, 2017, Havert and Tabb filed the notice of appeal in this case, stating that the order appealed from was filed on December 28, 2017. Bruce filed a motion to dismiss Havert and Tabb’s appeal as untimely, because it was filed more than 60 days after the notice of entry. Bruce is correct and his motion to dismiss the appeal is granted.

Bruce filed a cross-appeal from the December 20, 2017 order terminating probate. He contends that the probate court erred by characterizing Tabb and Havert as interested parties. This issue is moot, however, and the cross-appeal must be dismissed. In *Havert I*, we concluded that Tabb has no standing to pursue discovery or participate further in the probate proceeding. The judgment on the pleadings against Havert, finding that she is not an interested party, was reversed. We deny the requests for judicial notice filed by the parties.

The cross-appeal is dismissed, and the parties are to bear their own costs on appeal.

MOOR, Acting P.J.

We concur:

KIM, J.

SEIGLE, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.